EMBANKMENT—*concld.*

II.—BURMA—*contd.*

A.—GENERALLY—*contd.*

Definitions . . . . . Bur.Act4,1909,s.3.
Power to impress labour and take materials when speedy execution of work required to prevent loss of life or extensive damage to property; headmen of villages, duties of . . ,, s.5.
Preparation and revision of list of labourers . . . . . ,, s.4.
Payments to be made for labour impressed and materials taken . ,, s.6.
Compensation to be paid for damage done in taking materials . ,, s.7.
Penalty for failure to furnish labourers or to labour . . . ,, s.8.
Penalties for grazing, trespass, cutting of trees, etc., on embankment, obstructing drain or sluice connected with embankment, constructing, maintaining, etc., without permission, dyke, embankment, etc. . . . . ,, ss.9,10.
Removal of dyke, embankment, etc., constructed, etc., without permission . . . . . ,, s.11.
Embankment Officers and certain other persons deemed public servants . . . . . ,, s.12.
Power to make rules . . . . . ,, ss.13,14.

B.—LOWER BURMA.

Definition of "embankment" and "Embankment Officer" . [1]Act13,1877,s.2.
Power to impress labour and take materials when speedy execution of work required to prevent loss of life or extensive damage to property . . . . . ,, s.3.
Preparation and revision of list of labourers . . . . . ,, s.4.
Payments to be made for labour impressed and materials taken . ,, s.5.
Compensation to be paid for damage done in taking materials . ,, s.6.
Penalty for grazing, trespass, cutting of trees, etc., on embankment, or obstructing drain or sluice connected with embankment . . . . . ,, s.7.
Embankment Officers and others deemed "public servants" . ,, s.8.

III.—NORTH-WEST FRONTIER PROVINCE AND PUNJAB.

Embankments to be under control of District and Local Boards . Act20,1883,ss.20,21.

EMIGRATION ACT (INDIAN), 1908 . . . . . Act17,1908.

EMIGRATION.

A.—OF NATIVES OF INDIA UNDER AGREEMENT TO LABOUR FOR HIRE IN FOREIGN COUNTRIES.

B.—TO LABOUR-DISTRICTS OF ASSAM.

A.—OF NATIVES OF INDIA UNDER AGREEMENT TO LABOUR FOR HIRE IN FOREIGN COUNTRIES.

1. Preliminary.

Act 17, 1908, extends to whole of British India . . . Act17,1908,s.1.
,, ,, does not apply to Government vessels . . . ,, s.108.
,, ,, applies to emigration of natives of India by sea under agreement to labour for hire in countries beyond India other than Ceylon or Straits Settlements . . . . . ,, 2(*1*)(*iv*).

[1]Act 13, 1877, will be repealed on the coming into force of Bur. Act 4, 1909.

EMIGRATION—*contd.*

A.—OF NATIVES OF INDIA UNDER AGREEMENT TO LABOUR FOR HIRE IN FOREIGN COUNTRIES—*contd.*

1. Preliminary—*contd.*

Power to exempt from Act natives of India emigrating by sea under agreement to labour for hire in protected Native State adjoining Straits Settlements or in country for which they are recruited through the agency of the Government of those Settlements . . . . . Act 17, 1908, s. 103.

Application of Act to—

emigration from British Indian ports to French and Dutch Colonies under certain Conventions . . . . . ,, s. 104.

proceedings in British India connected with emigration from French Indian ports to French colonies under Convention . ,, s. 105.

Prohibition of departure by land of native of India under agreement to labour for hire in country beyond sea; exceptions; penalty . . . . . ,, s. 106.

Power to declare Act inapplicable to natives of India engaged for Her Majesty's Government to labour for hire in any country beyond the sea . . . . . ,, s. 107.

Ports from which emigration lawful . . . . . ,, s. 3.

Countries to which emigration lawful . . . . . ,, s. 4, Sch. I.

Power of Governor General in Council—

to prohibit emigration to specified country . . . . . ,, s. 5 (*sub.* Act 14, 1910, s. 2).

to revoke such prohibition . . . . . Act 17, 1908, s. 7.

Power of Local Government to suspend emigration to specified country pending reference to Governor General in Council . ,, s. 6.

Power of Local Government to prohibit emigration from its territories . . . . . ,, s. 8.

Notifications under ss. 5 to 8 not to affect prior Acts, etc. . . ,, s. 9.

Definitions . . . . . ,, s. 2.

2. Protection of Emigrants.

(1) Official Supervisors:

Emigration Agent; appointment of, by foreign country, subject to approval of Local Government . ,, s. 10.

,, ,, how remunerated . . . . . ,, s. 11.

Protector of Emigrants; appointment of, by Local Government; his status, etc. . . . ,, s. 12.

,, ,, general duties of . . . . ,, s. 13.

Medical Inspector of Emigrants; appointment of, by Local Government; his status . . . . ,, s. 14.

Facilities to be afforded to Protector and Medical Inspector . ,, s. 15.

(2) Recruiters:

Licensing of . . . . . ,, ss. 16 (*1*), (*3*), 17, 18, Sch. II.

Countersignature of license by District Magistrate . . . ,, ss. 19 to 21.

Unlicensed persons not to act as . . . . . ,, s. 16 (*2*).

EMIGRATION—*contd.*

A.—OF NATIVES OF INDIA UNDER AGREEMENT TO LABOUR FOR HIRE IN FOREIGN COUNTRIES—*contd.*

2. Protection of Emigrants—*contd.*

(2) Recruiters—*contd.*

To have and use statement of terms of agreement they are authorised to offer to emigrants . . . . . Act 17, 1908, s. 22.

To provide accommodation for emigrants pending their registration, etc.; official control over places of accommodation . . . . . „ s. 23.

(3) Registration of emigrants and execution of agreements to emigrate . . . . . „ 24 to 27, 31 to 36.

Power to refuse registration of married woman or dependent . . . „ ss. 28 to 30.

Persons of or over 16 may execute agreement . . . . „ s. 35.

Power of parent or guardian to make agreement on behalf of minor . . . . . „ s. 36.

(4) Emigration depôts:

Establishment and licensing of . . . . . „ ss. 37, 38.

Inspection of, and reports as to . . . . . „ ss. 39, 40.

Isolation in, or removal from, of emigrants suffering from infectious disease; recovery of expenses from Emigration Agent . . . . . „ s. 41.

Conveyance of emigrants to . . . . . „ ss. 42, 43.

Report of arrivals at . . . . . „ s. 44.

Medical inspection on arrival at . . . . . „ s. 45.

(5) Compensation to emigrants for ill-treatment, etc.:

Power to order Emigration Agent to pay—

compensation and expenses, when emigrant has been ill-treated, etc., on journey . . . . . „ s. 48.

expenses of return journey of emigrant and dependents to their home, with compensation, in cases of irregularity in recruitment, etc. . . . . „ ss. 46, 47.

Power for Protector of Emigrants to make such payments and recover from Emigration Agent . . . . . „ s. 49.

(6) Emigrant-vessels:

Licensing and survey of . . . . . „ ss. 50 to 52.

Accommodation required on board . . . . . „ s. 53.

Space required for each emigrant . . . . . „ s. 54.

Provisions, clothing, fuel and water for emigrants . . . „ ss. 55, 57.

Surgeon, medical attendants and medical stores . . . „ ss. 56, 57.

Bond to be executed by master . . . . . „ s. 58.

Seasons in which vessels may leave India . . . . „ s. 60.

Scale of probable lengths of voyages for purposes of Act; power to alter scale . . . . . „ s. 102, Sch. III.

Embarkation of emigrants . . . . . „ ss. 59, 61 to 65.

„ „ fee payable by Agent to Protector . „ s. 68.

Certificates from Protector and Agent to be carried by . . „ s. 66.

Copies of Act and rules to be kept on board . . . . „ s. 67.

Master to see to observance of Act and rules . . . . „ s. 69.

„ to take emigrant's pass on embarkation and return it to him before disembarkation . . . . „ ss. 62, 70.

EMIGRATION—*contd.*

A.—OF NATIVES OF INDIA UNDER AGREEMENT TO LABOUR FOR HIRE IN FOREIGN COUNTRIES—*concld.*

2. Protection of Emigrants—*concld.*

(6) Emigrant-vessels—*contd.*

Vessels sailing from Calcutta :

To leave within 24 hours of embarkation	Act 17, 1903,	s.71.
To be towed to sea	,,	s.72.
Landing of sick emigrants at Diamond Harbour	,,	s.73.
Landing of all emigrants at Diamond Harbour, if cholera appears	,,	s.74.

3. Miscellaneous Provisions.

Provisions for the departure of natives of India by sea out of India for purpose of working as artisan or for purpose of any exhibition, etc.; service in place of public resort, or domestic service	,,	ss.75 to 80.
Power of Governor General in Council to make rules; publication of rules	,,	s.81.
Offences and penalties	,,	ss.82 to 96.
Initiation of prosecutions	,,	s.97.
Defences to charge of desertion	,,	s.98.
Power of Customs-officers to search and detain vessels for prevention of offences	,,	s.99.
Power to appoint Magistrates	,,	s.100.
Power of Protector to institute suit against Emigration Agent	,,	s.101.

B.—TO LABOUR-DISTRICTS OF ASSAM.

1. Preliminary.

Local extent of Act 6, 1901	Act 6, 1901,	s.1.
Definitions	,,	s.2.
Power of Local Government to prohibit recruitment, etc., either absolutely or otherwise than in accordance with specified provisions of Act 6, 1901	,,	s.3.
Officers : power of Local Government to appoint, and to declare areas for exercise of their functions	,,	s.4(*1*).
,, duties of Assistant Inspectors	,,	s.219.
,, powers of, exerciseable from time to time	,,	s.220.
,, to be "public servants" under Indian Penal Code	,,	s.4(*2*).

2. Labour-contracts generally.

Contract; form and contents of	,,	s.5(*1*), (*2*), Sch. I.
,, term of	,,	ss.5(*3*), 118.
,, rate of wages to be stipulated for in	,,	s.5(*4*).
,, unenforceable if made contrary to s. 5	,,	s.6.
,, underground labour in mine not obligatory unless specifically provided for in	,,	s.7.
,, in absence of special restriction, covers labour on any estate of employer in the labour-district specified in; bar to separation from dependants	,,	s.8.

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

2. Labour-contracts generally—*contd.*

Contract; may be made by any person of 16 or upwards; exception as to married woman whose husband or guardian objects . . . . . Act 6, 1901, s. 9.
cancellation of, in case of wrongful recruitment . „ ss. 10, 11.
„ repatriation of labourers on; escort; recovery of expenses . . . „ ss. 12, 13.

3. Recruitment.

(*a*) By Licensed Contractors, Sub-contractors and Recruiters.

Contractors and sub-contractors—
Licenses of; power to grant . . . . . „ s. 14.
„ form of, and fee for . . . . . „ s. 15.
„ term of; cancellation of, subject to appeal . „ s. 16.
May act as recruiters . . . . . „ s. 19.
Contractors to supply information, returns and reports to Superintendent . . . . . „ s. 17.
„ liability of, for acts and defaults of sub-contractors and recruiters . . . . . „ s. 20.
„ cancellation of license of, on cancellation of license of his sub-contractor or recruiter . . . „ s. 20(2).
„ not to be licensed as Selecting Agents . . . „ s. 65.
Sub-contractor to be licensed on behalf of one contractor only . „ s. 18.
Recruiters; contractors or sub-contractors may act as . . „ s. 19.
„ licenses of; power to grant . . . . . „ s. 25.
„ „ to be granted on behalf of one contractor only, and for one district only . . . . . „ s. 25, prov.
„ „ form of, and fee for . . . . „ s. 26.
„ „ term of, and cancellation of . . „ s. 27.
„ „ countersignature of, by Magistrate . „ s. 29.
„ „ power to cancel such countersignature . „ s. 31.
„ to hold certificate signed by their contractor or sub-contractor . . . . . „ s. 28.
„ accommodation for labourers collected by . . „ ss. 29(2), 30, 31.

Contractors' depôts for labourers engaged by contractors, sub-contractors or recruiters—
Contractors to establish and maintain depôts, and to provide food, clothing and medical treatment therein for labourers . „ s. 21.
Inspection and supervision of depôts . . . . . „ s. 22.
Procedure before arrival at depôt—
Recruiter to take labourer to medical officer for examination „ s. 32(1).
Grant of certificate of fitness by medical officer . . . „ s. 32(2).
Recruiter to take certified labourer and his dependants to Registering-officer, and to produce his license . . . „ s. 33.
Registering officer to examine certificate and license, and examine labourer and explain intended contract to him . „ s. 34(1).

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

3. Recruitments—*contd.*

(*a*) By Licensed Contractors, Sub-contractors and Recruiters—*contd.*

Contractors' depôts for labourers engaged by contractors, sub-contractors or recruiters—*contd.*

Procedure before arrival at depôt—*contd.*

Registration of labourer and dependants; special provisions as to women	Act 6, 1901,	s.34(2), (3), (4).
Repatriation of labourers whose registration is refused; escort; recovery of expenses	„	s.35.
Copy of registered particulars to be given to labourer	„	s.36.
Copy of registered particulars and original medical certificate to be sent to Superintendent	„	s.37.
Fee for registration	„	s.38.
Recruiter not to remove labourer to depôt, or from Registering-officer's jurisdiction, until registered	„	s.39.
Conveyance of labourer to depôt; labourer and dependants to be provided with food and lodging	„	ss.40,41.

Procedure at depôt—

Contractor to report arrival of labourer	„	s.42.
Medical Inspector to examine labourers and dependants, and give certificate to Superintendent	„	s.43.
Labourer when to execute labour-contract	„	s.44.
Superintendent to explain labour-contract to labourer, and to attest and register it and give copies to labourer and employer	„	s.45.
Procedure where employer requires further medical certificate prior to execution of labour-contract	„	s.46.
Fee where such further certificate is given by a medical officer of Government	„	s.47.
Power to cancel labour-contract in certain cases; repatriation of, and compensation to labourer; labourer entitled to be fed, lodged, clothed and medically treated until he can return home; provision for dependants and relatives	„	ss.48to50.
Compensation to labourer or dependant ill-treated on journey to depôt	„	s.51.
Procedure when dependant is unfit to proceed to labour-district	„	ss.52,53.
Payment by Superintendent of expenses under sections 48 to 53, and recovery from contractor	„	s.54.

Hospital depôts—

Power of Local Government to establish	„	s.23.
„ „ „ require contractors to contribute towards maintenance of	„	s.24(1).
To be under charge of medical officer appointed by Local Government	„	s.24(2).
Power of Medical Inspector to direct transfer of labourer from contractor's depôt to	„	s.24(3).

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

3. Recruitment—*contd.*

(*a*) By Licensed Contractors, Sub-contractors and Recruiters—*contd.*

Journey from contractor's depôt to labour-district—
Labourers to be accompanied by contractor's agent, holding certificate from Superintendent; agent to carry way-bill and carry out *instructions* contained therein . . . . . Act 6, 1901, s. 55.

(*b*) By Certified Garden-sardars under control of Local Agents.

Garden-sardars—
Certificate of; power of employer to grant and cancel . . . s. 55(1).
" employment under, to be deemed employment under labour-contract . . . . . " s. 56(2).
" form and content of . . . . . " s. 57.
" countersignature of, by Inspector or Magistrate . . . . . " ss. 58, 59, 61.
" grant of fresh certificate . . . . . " s. 60.
" when to come into force; currency limited to one year . . . . . " s. 61.
" cancellation of . . . . . " s. 63.
Accommodation to be provided by, for labourers; inspection of accommodation; sanitary arrangements . . . . . " s. 62.
Power of local agents to prosecute . . . . . " s. 66.

Local Agents—
Name of, may be specified in garden-sardar's certificate . . . " s. 57(2).
Licenses of; power to grant . . . . . " s. 64(1).
" " cancel, subject to appeal . . . " s. 67.
To furnish information and returns . . . . . " s. 64(2).
Not to be licensed as selecting agents . . . . . " s. 65.
Power of, to prosecute garden-sardars . . . . . " s. 66.

Selecting Agents—
Power to grant licenses to; duration and cancellation of licenses . . . . . " s. 65.

Procedure on recruitment by garden-sardars—
Garden-sardar to appear before Registering-officer, with labourer and dependants . . . . . " s. 68.
Registering-officer to examine certificate and examine labourer and explain intended contract to him . . . . . " s. 69(1).
Registration of labourer and dependants . . . . . " s. 69(2).
Medical examination before registration; power to refuse registration . . . . . " s. 70.
Fee for registration . . . . . " s. 71.
Labour-contract when to be executed . . . . . " s. 72(1).
" " signature to; explanation of, to labourer . . . " s. 72(2).
" " *registration* of; copy of, to be given to labourer and to garden-sardar or local agent . . . " s. 72(3).
" " compensation to labourer where garden-sardar neglects to execute . . . . . " s. 72(4).

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

3. Recruitment—*contd.*

(*b*) BY CERTIFICATED GARDEN-SARDARS UNDER CONTROL OF LOCAL AGENTS—*contd.*

Procedure on recruitment by garden-sardars—*contd.*

Procedure where employer requires medical certificate prior to registration . . . . . Act 6, 1901, s. 73.

Fee when such certificate is given by a Medical Officer of Government . . . . . ,, s. 74.

Garden-sardar not to remove labourer to labour-district until labour-contract executed . . . . . ,, s. 75.

,, ,, to accompany labourers to labour-district or send competent person with them; way-bill . . . . . ,, ss. 76, 78, 79.

,, ,, no restriction on number of persons engaged by. ,, s. 77.

,, ,, to provide labourers and dependants with food and lodging throughout journey to labour-districts . . . . . ,, s. 80.

When labourer or dependant ill-treated on journey, power of Magistrate to order compensation or to cancel labour-contract and order payment of expenses . . . . . ,, s. 81.

Payment by Magistrate of sums ordered under s. 81, and recovery thereof from garden-sardar . . . . . ,, s. 82.

Medical examination of labourers and dependants *en route* to labour-district; detention of any unfit to proceed; disposal of others; payment of expenses by employer . . . ,, ss. 83 to 86.

Right of employer to procure cancellation of labour-contract on payment of expenses of repatriation, with compensation. ,, s. 87.

Consequential cancellation of contracts of relatives and dependants . . . . . ,, s. 88.

Payment of cost of escort when labour or dependant repatriated . . . . . ,, s. 89.

Power of Local Government to dispense with or relax any of the foregoing requirements in certain cases . . . ,, s. 91 (am. Act 11, 1908, s. 2).

(*c*) BY GARDEN-SARDARS UNDER PERMIT.

Power of Local Government to declare that specially employed garden-sardars may engage labourers on behalf of their employers and assist them to emigrate to labour-district . . ,, s. 90.

Permits to be held by such garden-sardars; grant of; form and contents of; countersignature of, by Inspector or Magistrate . ,, s. 90, cls. (*a*) to (*d*).

Engagement of labourers by such garden-sardars: reports to be made by sardars; escort for labourers . . . . . ,, s. 90, cls. (*e*) to (*g*).

Duration and cancellation of permits . . . . . ,, s. 90, cls. (*h*), (*i*).

Power of Local Government to dispense with or relax any of the foregoing agreements in certain cases . . . . . ,, s. 91 (am. Act 11, 1908, s. 2).

Certain provisions of Act to apply to transport and employment of labourers recruited by garden-sardars under permit and not bound by labour-contracts . . . . . ,, s. 93.

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

3. Recruitment—*concld.*

(*d*) Other Recruitment.

Saving of right to engage or assist natives of India to emigrate to labour-districts otherwise than under head 3, sub-heads (*a*), (*b*) and (*c*), unless prohibited by notification under s. 3 of Act . Act 6, 1901, s. 92.

4. Transport to Labour-districts.

Prescribed routes to be followed, and rules observed . . „ s. 94.

Transport by sea not covered by Act 6, 1901 . . . . . „ s. 95.

Transport by river—

Vessels carrying twenty or more passengers to be licensed; power of exemption . . . . . „ s. 96.

Application for, and grant of, such license; fee . . . ss. 97 to 99.

Power of Embarkation Agent to limit number of passengers on particular voyage . . . . . „ s. 100.

Master of vessel to keep prescribed lists and make prescribed returns and reports . . . . . „ s. 101.

Prescribed provisions, clothing, officers, cooks and attendants to be carried . . . . . „ s. 102.

Medical officer of vessel; licensing and removal of . . . „ s. 103.

Power of Embarkation Agent to order immediate departure of vessel, if delayed . . . . . „ s. 104.

Way-bills to be carried, and labourers checked by them; copy to be sent to Magistrate of labour-district . . . . . „ s. 105.

Labourers not to leave vessel before arrival at destination; exceptions . . . . . „ s. 106.

Master to stop vessel at appointed places, and report to Magistrate there . . . . . „ s. 107.

Power of any Magistrate—

to inspect vessel, and to require information . . . . „ s. 108.

to regulate communication between vessel and land . . „ s. 109.

to detain vessel, to depute medical officer to inspect passengers, to detain passengers suffering from infectious disease, and labourers and dependants unfit to proceed, and to detain vessel for cleansing . . . . . „ ss. 110 to 112.

to detain passengers carried in excess of authorized number . „ s. 113.

Magistrates to report infractions of Act or rules, and may detain vessels until defects remedied . . . . . „ s. 114.

Power to authorize officers to perform functions of Magistrates under sections 107 to 114 . . . . . „ s. 116

Power of Local Government to make rules as to disembarkation, inspection and accommodation of labourers and dependants, forwarding of labourers to destination, and closing and return of way-bills . . . . . „ s. 115

5. The Labour-districts.

Annual rate payable by employers: when payable; amount . . „ s. 117.

Local labour-contracts—

For term not exceeding one year—

Power to employer to make . . . . . „ s. 118(*1*).

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

5. The Labour-districts—*contd.*

Local labour-contracts—*contd.*

For term not exceeding one year—*contd.*

Inspector to register, and to give copy to labourer and employer . . . Act 6, 1901, s. 118(2).

Verification and cancellation of . . . . . „ ss. 119, 120.

Fee payable to Inspector . . . . . „ s. 121(4).

For term not exceeding four years—

Power of employer to make, before Inspector or Magistrate . „ s. 121(1), (2).

Inspector or Magistrate to register, and to give copy to labourer and employer . . . . . „ s. 121(3).

Fee payable to Inspector . . . . . „ s. 121(4).

Returns and inspections—

Employers to keep registers of employés and dependants, and make returns to Inspector . . . . . „ s. 122(1).

Powers of Inspector as to such registers and returns . . „ s. 122(2).

Power of Inspector or Magistrate to inspect lands, houses and labourers, to call for copy of labour-contract, and to make inquiries . . . . . „ s. 123.

Regulation of labour—

Schedule of daily tasks—

preparation and alteration of . . . . . „ s. 124(1).

filing, translation and inspection of . . . . . „ ss. 124(2), 127(2).

revision of, by Inspector, subject to appeal to Committee . „ ss. 126, 127.

Minimum payment for daily task . . . . . „ s. 124(3).

Limitation on days and hours of work . . . . . „ s. 125(1).

Right of labourer to minimum daily wage . . . . „ s. 125(2).

Monthly payment of wages . . . . . „ s. 125(3).

Subsistence-allowance for weekly labourers . . . . „ s. 128.

Incapacity for labour—

Power of Inspector to suspend contract of labourer temporarily unfitted for labour, and to order payment of subsistence-allowance . . . . . „ s. 129.

Subsistence-allowance to labourer absent from sickness . „ ss. 129, 130, 131(3).

Discharge of labourer permanently incapacitated, and determination of his contract; payment of compensation . . . „ s. 131.

Accommodation and supplies for labourers—

Provision of house-accommodation, water-supply and sanitary arrangements . . . . . „ s. 132.

Provision of food-grain at reasonable price . . . . „ s. 133

„ rations, and deduction of cost from wages . . „ s. 134.

Official inquiry as to whether rules or orders made under ss. 132 to 134 have been obeyed . . . . . „ s. 136.

Provision of hospital accommodation and medical treatment . „ s. 135.

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

5. The Labour-districts—*contd.*

Localities unfit for residence of labourers—

Committee of inquiry where estate considered unfit for residence of labourers—

Summoning of, at instance of Inspector or District Magistrate . . . . . Act 6, 1901, s.137(1), (2).

Constitution of . . . . . ,, s.137(3), (4).

Summoning of, by direction of Local Government . . ,, s.138.

Proceedings of . . . . . ,, s.139.

Finding of, and consequences of finding . . . . . ,, s.140.

Power of Local Government to call for proceedings of, and to record finding where Committee is not unanimous . ,, s.141.

Inquiry by medical officer where excessive mortality has occurred—

Power to depute medical officer to inquire and report . . ,, s.142.

Proceedings of such officer . . . . . ,, s.143.

Order thereon by Local Government; effect of order . . ,, s.144.

Certificate by Inspector where locality has again become fit for residence of labourers; grant and effect of . . . . . ,, s.145.

Complaints made by labourers—

Facilities for laying complaints before Inspector or Magistrate ,, s.146.

Inspector or Magistrate how to proceed when complaint is made, or when he considers that there is ground for complaint . . . . . ,, s.147.

Procedure where complaint found to be untrue, frivolous or vexatious: compensation to employer . . . ,, ss.148, 149.

Procedure where complaint discloses grounds for further proceedings . . . . . ,, s.150.

Arrears of wages—

Power of Magistrate to enforce payment of arrears, and to award compensation . . . . . ,, ss.151, 152.

Determination of labour-contract—

By cancellation (local labour-contracts) . . . . ,, ss.119, 120.

When labourer discharged permanently incapacitated . . ,, ss.131. 158.

By cancellation, when employer or his agent in fault . . ,, s.152.

,, ,, ,, labourer's earnings are insufficient . ,, s.153.

,, ,, ,, when contract of relative is cancelled or determined . . . . ,, s.154.

Endorsement or certificate of, by employer . . . . ,, s.155(1).

Notice of, by employer to Inspector . . . . . ,, s.155(2).

Right of labourer to redeem unexpired portion of labour-contract; procedure; rates of payment . . . . ,, s.156.

Power of Inspector or Magistrate to equalize terms of contracts of husband and wife . . . . . ,, s.157.

Repatriation—

of labourer permanently incapacitated whose contract has determined under s. 131 . . . . . ,, s.158

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

5. The Labour-districts—*concld.*

Repatriation—*contd.*

of person not under labour-contract, or dependant, who is permanently incapacitated . . . . . Act 6, 1901, s.159.

of labourer wrongfully recruited, and of his dependants . . „ s.160.

of person, not under labour-contract, wrongfully recruited, and of his dependants . . . . . „ s.161.

Provision of escort . . . . . „ s.162.

Power to exempt labour-districts from operation of Act . . „ s.221.

6. Rules under Act.

Power of Local Government to make rules—

as to form of, and fee payable for licenses of—

Contractors and sub-contractors . . . . . „ s.15.

Recruiters . . . . . „ s.26.

„ supply of information, returns and reports by contractors to Superintendent . . . . . „ s.17.

„ registration of labourers and dependants . . . „ ss.34(2), 69(2).

„ „ „ „ „ fee for . . „ ss.38,71.

„ form and particulars of notice of arrival of labourers at contractors' depôts . . . . . „ s.42.

„ information and returns to be furnished by—

Local Agents . . . . . „ s.64(2).

Selecting Agents . . . . . „ s.65.

„ fee for examination of labourers by medical officer of Government . . . . . „ s.74.

„ form of garden-sardars' permit . . . . . „ s.90, cl.(a).

„ particulars to be stated in application for license to carry passengers in vessels . . . . . „ s.97(2).

„ fee for license for vessel to carry passengers . . . „ s.99.

„ number of passengers to be carried in vessel . . . „ s.100(1).

„ lists to be kept and returns and reports made by master of vessel . . . . . „ s.101.

„ provisions, clothing, officers, cooks and attendants to be carried in vessel . . . . . „ s.102.

„ disembarkation, inspection and accommodation of labourers and dependants, forwarding of labourers to destination, and closing and return of way-bills . . „ s.115.

„ registers of employés and dependants and returns to be made by employers to Inspectors . . . . „ s.122(1).

„ house accommodation, water-supply and sanitary arrangements for labourers . . . . . „ s.132.

„ rationing . . . . . „ s.134.

generally, for carrying out purposes and objects of Act . . „ s.163(1),(2).

Enforcement of rules at cost of person bound . . . . „ s.163(3).

Power to provide penalty for breach of rules . . . „ s.163(4).

Publication of rules in Gazette . . . . . „ s.163(5).

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

7. Penalties and Procedure.

Penalty on—

employer omitting to keep registers or make returns, keeping incorrect register, making incorrect return, or omitting to prepare, file or affix schedule of daily tasks	Act 6, 1901,	s.185.
,, obstructing entry, inspection or inquiry or omitting to comply with requisition, made under s. 123	,,	s.186.
,, compelling labourer to perform labour for which he is unfit	,,	s.186.
,, omitting to provide house-accommodation, water-supply, sanitary arrangements, food-grains or rations	,,	s.189.
,, failing to provide hospital accommodation or medical care and treatment	,,	s.190.
,, causing labourer to reside on estate declared unfit for residence	,,	s.191.
,, wrongfully arresting labourer on charge of desertion	,,	s.199.
,, neglecting to endorse labourer's copy of contract ,, detaining labourer after determination of contract ,, failing to give notice to Inspector of determination of contract	,,	s.211.
,, failing to comply with request by labourer to secure redemption of unexpired portion of contract	,,	s.212.
garden-sardar failing to report himself to local agent, or to return to employer, or to account for money advanced	,,	s.170.
,, or other person abandoning labourer, or removing person to labour-district, etc., before execution of labour-contract	,,	s.171.
,, transferring labourers to contractors, etc. ,, allowing labourers recruited by contractors, sub-contractors or recruiters to share accommodation provided by him	,,	s.172.
,, or other person failing to present way-bill or to carry out instructions entered therein	,,	s.173.
,, unlawfully engaging emigrants	,,	s.174.
labourer failing to execute labour-contract; payment of fine to contractor, sub-contractor, recruiter or garden-sardar	,,	ss.168,169.
,, deserting, or refusing to proceed, after executing labour-contract	,,	s.184.
,, absenting himself from work	,,	s.193.
,, deserting	,,	s.198.
,, for habitual drunkenness or for neglect of sanitary regulations	,,	s.201.
Local Agent or Selecting Agent working with contractor	,,	s.175.
Master receiving passengers on board in contravention of Act	,,	s.176
,, fraudulently altering vessel after grant of license	,,	s.177.
,, proceeding on voyage without carrying prescribed provisions, clothing, officers, cooks or attendants	,,	s.178.

EMIGRATION—*contd.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*contd.*

7. Penalties and Procedure—*contd.*

Penalty on—*contd.*

Master disobeying order of Embarkation Agent for immediate departure of vessel . . . . . Act 6, 1901, s. 179.

„ permitting labourer to leave vessel before arrival at destination . . . . . „ s. 180.

„ failing to stop vessel at appointed places, or to report to Magistrate there . . . . . „ s. 181.

„ or medical officer of vessel neglecting to obey or enforce Act or rule . . . . . „ s. 183.

recruitment in contravention of Act or notification . . „ s. 164.

Recruiter giving false information to Registering-officer . „ s. 165.

„ removing unregistered person, or inducing registered person to go to any place other than the contractor's depôt . . . . . „ s. 166.

„ failing to provide labourer or dependant with food and lodging, or ill-treating him; award of compensation out of fine . . . . . „ s. 167.

disobedience to order of Magistrate for regulating communication between vessel and land . . . . . „ s. 182.

buying or selling rations furnished under s. 134 to labourer . „ s. 188.

enticing away, harbouring or employing labourer bound by labour-contract; award of fine to employer . . . „ s. 208.

failure to forward labour-contract to Inspector . . . „ s. 209.

„ to send labourer to Inspector or Magistrate . . „ ss. 209, 210.

„ to give notice of complaint to Inspector or Magistrate . „ s. 210.

Abetment of offence . . . . . „ s. 213.

Unlawful absence from work: report to Inspector; inquiry by Inspector; addition of days of absence to term of labour-contract . . . . . „ s. 192.

Desertion: report of, to Inspector . . . . . „ s. 194.

„ apprehension of deserters; procedure by Police and Magistrate . . . . . „ ss. 195 to 197.

„ compensation for wrongful arrest on charge of . „ s. 199.

„ cancellation of contract after six months' imprisonment for . . . . . „ s. 200.

Return of labourer to employer, on expiry of sentence of imprisonment . . . . . „ s. 204.

Conviction of labourer when not to operate as a release from labour-contract . . . . . „ s. 204(*1*).

Cancellation of portion of sentence on labourer, upon application of employer; payment of expense of forwarding labourer to employer . . . . . „ ss. 202, 203.

Endorsement on contract of—

term of imprisonment for certain offences under Act 6, 1901, or period of unlawful absence or desertion . . . „ s. 205.

period of any other imprisonment . . . . . „ s. 206.

Deduction of term of imprisonment from term of service under labour-contract . . . . . „ s. 205(*4*).

EMIGRATION—*concld.*

B.—TO LABOUR-DISTRICTS OF ASSAM—*concld.*

7. Penalties and Procedure—*concld.*

Addition of term of imprisonment to term of service under labour-contract	Act6,1901,s.207.
Place for trial of offences	,, s.214.
Recovery, by distress and sale, of sums recoverable under Act	,, s.215.
Wages due under labour-contract a charge upon estate	,, s.216.
Owner of estate for the time being to have all rights and remedies in respect of labour-contracts	,, s.217(*1*).
Owner of estate not liable for breach of labour-contract after he ceases to be owner	,, s.217(*2*).
Application of proceeds of fines, fees and rates	,, s.218 (am.Act11, 1908,s.3).
Notifications not to affect prior Acts	Act6,1901,s.222.

EMPLOYERS AND WORKMEN (DISPUTES) ACT, 1860 (*See* PUBLIC WORKS) Act9,1860.

ENCUMBERED ESTATES. *See* INCUMBERED ESTATES.

ENDOWMENT.

1. Charitable.

Ben. Reg. 19, 1810, declared in force—	
throughout Bengal, except as regards the Scheduled Districts	Act15,1874,s.6.
in Ajmere (with a modification)	Reg.3,1877,s.3.
Mad. Reg. 7, 1817, declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts	Act15,1874,s.4.
Objects of Ben. Reg. 19, 1810	Ben.Reg.19,1810,s.16.
,, Mad. Reg. 7, 1817	Mad.Reg.7,1817,s.15.
Superintendence of endowments for charitable purposes, and of public buildings, vested in Board of Revenue	Ben.Reg.19,1810,s.2. Mad.Reg.7,1817,s.2.
Board to see to due appropriation of such endowments	Ben.Reg.19,1810,s.3. Mad.Reg.7,1817,s.3.
,, provide for due repair and maintenance of public buildings	Ben.Reg.19,1810,s.6. Mad.Reg.7,1817,s.3.
,, recommend disposal of ruined buildings	Ben.Reg.19,1810,s.4. Mad.Reg.7,1817,s.4.
,, prevent such endowments and buildings being diverted to private use	Ben.Reg.19,1810,s.5. Mad.Reg.7,1817,s.5.
District Agents:	
Appointment of	Ben.Reg.19,1810,ss.8,9. Mad.Reg.7,1817,ss.7,8.
To obtain full information in regard to such endowments and public buildings and report misappropriations to Board	Ben.Reg.19,1810,s.10. Mad.Reg.7,1817,s.9.
To ascertain particulars as to existing trustees, managers or superintendents, report vacancies and nominate successors	Ben.Reg.19,1810,ss.11to 13. Mad.Reg.7,1817,ss.10to 12.
Board to appoint new trustees, etc.	Ben.Reg.19,1810,s.14. Mad.Reg.7,1817,s.13.
Right of suit by interested persons not barred	Ben.Reg.19,1810,s.15. Mad.Reg.7,1817,s.14.

ENDOWMENT—*contd.*

1. **Charitable**—*contd.*

Punishment of native servants and other persons guilty of fraud or embezzlement . . . . . Mad.Reg.7,1817,s.16.

Ben. Reg. 19, 1810—

repealed so far as it required the Board to provide for the due repair of public bridges, sarais and kattras . . Ben.Reg.17,1816,s.16.

„ so far as it related to endowments for support of mosques, Hindu temples and other religious purposes . . . . . Act20,1863,s.1. Act1,1903.

„ in Assam . . . . . Act5,1897.

„ in Agra . . . . . Act8,1884.

functions of Board of Revenue under, to be discharged in Ajmere by Chief Commissioner . . . . . Reg.3,1877,s.3.

Mad. Reg. 7, 1817, repealed so far as it related to endowments for support of mosques, Hindu temples and other religious purposes . . . . . Act20,1863,s.1.

Power of Board, in transferring property of religious endowment to trustees, etc., to retain property which is devoted to secular purposes . . . . . „ s.21.

Power to transfer to Municipal Council management of charitable endowments under Mad. Reg. 7, 1817 . . . . . Mad.Act4,1884,s.26.

Act 6, 1890, extends to whole of British India, inclusive of British Baluchistan . . . . . Act6,1890,s.1.

„ „ declared in force in Santhál Parganas . . . Reg.3,1872,s.3,Sch.

„ „ declared in force in Upper Burma, except Shan States Act13,1898,s.4,Sch.I.

„ „ not to affect authority of Advocate General or Official Trustees . . . . . Act6,1890,s.15.

Definition of "charitable purpose" . . . . . „ s.2.

Treasurer of Charitable Endowments:

Appointment and incorporation of . . . . . „ ss.3,11.

Power to vest property of charitable trust in, on application . „ ss.4,7.

Power, on application, to settle scheme for administration of property so vested in . . . . . „ ss.5,7.

Such applications to be made by persons acting in administration of the trust, etc. . . . . „ s.6.

Power to transfer property from one, to another . . . „ s.12.

Bare trusteeship of; limitation of functions of . . . „ ss.4(4), 8,10.

Account to be kept by . . . . . „ s.8(2).

List and abstract of accounts to be published by . . . . „ s.9.

Power to make forms and rules for working of Act . . . „ s.13.

Control over Local Government by Governor General in Council „ s.16.

Indemnity to Government and Treasurer . . . . . „ s.14.

Suits by Advocate General, Collector, etc., relating to . . Act5,1908,ss.92,93.

Power of High Court in certain cases. *See* TRUST, B.

Apprenticing of child by manager of public charity. *See* APPRENTICE.

Administration of the Murray Charitable Trust by the Wardens of St. John's Church . . . . . Ben.Act2,1897.

ENDOWMENT —*contd.*

2. Religious.

Mosques, temples and other religious establishments in respect of which Government has right to nominate or confirm the nomination of the trustee, manager or superintendent:

Local Government to appoint committees to take the place of the Board of Revenue and local agents . . . . . Act20,1863,ss.3,7,8.

Tenure of office of such committees; filling of casual vacancies . . . . . ,, ss.9,10.

Member of committee not to be also trustee, manager or superintendent . . . . . ,, s.11.

Property of, under superintendence of Board of Revenue or local agents, to be transferred to committee; powers of committee . . . . . ,, s.12.

Property of, under superintendence of Board of Revenue or local agent, to be transferred to trustee, manager or superintendent . . . . . ,, s.4.

Rights, etc., of such trustee, etc. . . . . ,, s.6.

Appointment of manager for, on application, in case of dispute as to right of succession; rights, etc., of such manager . ,, s.5.

Power of Board, in making any such transfer, to retain portion of property which is devoted to secular purposes . . . ,, s.21.

Trustees, etc., to keep accounts, and committee to require production of same . . . . . ,, s.13.

Right of persons interested to sue trustee, etc., or committee; reference to arbitration . . . . . ,, ss.14to18.

In case of suit, Court may require production of accounts . . ,, s.19.

Suit not to bar criminal proceedings . . . . . ,, s.20.

Government and its officers not to interfere further in affairs of mosque, temple or other religious establishment . . . ,, s.22.

Saving of right of Government to take steps to preserve public buildings . . . . . ,, s.23.

Saving of power of Court of Wards where ward is trustee or manager of religious endowment . . . . . Mad.Act1,1902,s.63.

Act 20, 1863, extended to Kanara District of Bombay Presidency, with amendments . . . . . Bom.Act7,1865.

Coorg:

Reg. 4, 1892, applies to certain temples and institutions and may be applied by notification to others . . . . Reg.4,1892,s.1(2),Sch.

"Funds" include cash allowances paid by Government and certain other moneys . . . . . ,, s.2.

Funds to be under management of Committee . . . ,, s.3.

Constitution of such Committee; appointment, election, term of office, resignation and removal of members; filling of casual vacancies . . . . . ,, ss.3to9.

Member of Committee not to act as manager or hold paid office . . . . . ,, s.10.

President of Committee; meetings of Committee . . . ,, ss.11to 14.

Appointment, duties and punishment of managers . . ,, ss.15,16.

Accounts . . . . . ,, ss.16,17.

Legal proceedings by and against Committee; reference to arbitration . . . . . ,, ss.18to21.

Reference of disputes to District Judge; appeal to Judicial Commissioner . . . . . ,, s.24.

ENDOWMENT—*concld.*

2. Religious—*contd.*

Coorg—*contd.*

Power of Local Government to make rules for working of Regulation . . . . . Reg.4,1892,s.5.

Notification of appointments and rules . . . . . ,, s.22.

Government and its officers not to take part in management or control of funds, temples or institutions except as provided in Regulation . . . . . ,, s.23.

ENGINEERS' CERTIFICATE VALIDATION ACT, 1894 (*See* MERCHANT SHIPPING) . . . . . Act15,1894.

ENTRY AND INSPECTION.

Powers of, in municipalities :

See under MUNICIPALITY (*sub-heading* "The Public Health, Safety and Convenience").

See ANIMAL, A ; ARMS, ETC., 3 ; BRITISH BALUCHISTAN, II, 6 ; CANTONMENTS (HOUSE ACCOMMODATION) ; ELECTRICITY, 2 ; EMIGRATION, A. B. ; EXCISE, 3(c) ; FOREST, 8 ; GOVERNMENT BUILDINGS ; SALT.

EPIDEMIC DISEASES ACT, 1897 (*See* INFECTIOUS DISEASE) . Act3,1897.

ERRORS OF COURTS.

Government not liable for. *See* COURTS.

EQUIPMENT. *See* MERCHANT SHIPPING, 7 (*a*).

ESCHEAT.

Occurs when intestate leaves no kindred . . . . . Act10,1865,s.28.

Ben. Reg. 19, 1810, declared in force—

throughout Bengal, except as regards the Scheduled Districts . Act15,1874,s.6.

in Ajmere (with a modification) . . . . . Reg.3,1877,s.3.

Mad. Reg. 7, 1817, declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts . . Act15,1874,s.4.

Superintendence of, vested in Board of Revenue . . . Ben.Reg.19,1810,s.7. Mad.Reg.7,1817,s.6.

District Agents :

Appointment of . . . . . Ben.Reg.19,1810,ss.8,9. Mad.Reg.7,1817,ss.7,8.

To obtain full information in regard to, and report misappropriations to Board . . . . . Ben.Reg.19,1810,s.10. Mad.Reg.7,1817,s.9.

Ben. Reg. 19, 1810—

repealed in Assam . . . . . Act5,1897.

,, Province of Agra . . . . . Act8,1884.

functions of Board of Revenue under, to be discharged in Ajmere by Chief Commissioner . . . . . Reg.3,1877,s.3.

ESTATE defined. *See* WORDS AND PHRASES.

ESTATES PARTITION ACT, 1897 (*See* ARBITRATION : LAND-REVENUE, III, V ; PARTITION AND UNION, ETC. ; REGISTRATION OF LAND) . . . . . Ben.Act5,1897.

ESTOPPEL. *See* EVIDENCE, II, 4 ; NEGOTIABLE INSTRUMENT, 10.

EUROPEAN BRITISH SUBJECTS.

Definition of. *See* WORDS AND PHRASES.

Validation of laws made by Governor or Lieutenant-Governor in Council conferring jurisdiction over . . . . . 34-5V.c.34,s.1.